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ONTARIO REGULATION 364/20

made under the

EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

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RULES FOR AREAS IN STAGE 3

Terms of Order

1. The terms of this Order are set out in Schedules 1, 2 and 3.

Effective date

2. This Order applies as of 12:01 a.m. on July 17, 2020.

Application

3. This Order applies to the areas listed in Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening).

Indoor vs. outdoor

4. (1) The outdoor capacity limits set out in this Order apply to a business, place, event or gathering if the people attending it are only permitted to access an indoor area,

- (a) to use a washroom;
- (b) to access an outdoor area that can only be accessed through an indoor route; or
- (c) as may be necessary for the purposes of health and safety.

(2) The indoor capacity limits set out in this Order apply to a business, place, event or gathering if the business, place, event or gathering is fully or partially indoors.

(3) An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

SCHEDULE 1 BUSINESSES AND PLACES

Closures

1. (1) Each person responsible for a business or place, or part of a business or place, that is required to be closed by Schedule 2 shall ensure that the business or place, or part of the business or place, is closed in accordance with that Schedule.

(2) Each person responsible for a business or place, or part of a business or place, that Schedule 2 describes as being permitted to open if certain conditions set out in that Schedule are met shall ensure that the business or place, or part of the business or place, either meets those conditions or is closed.

(3) Each person responsible for a business or place, or part of a business or place, that does not comply with sections 3 to 6 of this Schedule shall ensure that it is closed.

(4) Despite subsections (1), (2) and (3), temporary access to a business or place, or part of a business or place, that is required to be closed by Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the business or place in order to comply with any applicable law;
- (b) preparing the business or place to be reopened;
- (c) allowing for inspections, maintenance or repairs to be carried out at the business or place;
- (d) allowing for security services to be provided at the business or place; and
- (e) attending at the business or place temporarily,
 - (i) to deal with other critical matters relating to the closure of the business or place, if the critical matters cannot be attended to remotely, or
 - (ii) to access materials, goods or supplies that may be necessary for the business or place to be operated remotely.

- (5) Nothing in this Order precludes a business or organization from operating remotely for the purpose of,
 - (a) providing goods by mail or other forms of delivery, or making goods available for pick-up; and
 - (b) providing services online, by telephone or other remote means.

General compliance

2. (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Capacity limits for businesses or facilities open to the public

3. (1) The person responsible for a place of business or facility that is open to the public shall limit the number of persons in the place of business or facility so that every member of the public is able to maintain a physical distance of at least two metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.

(2) For greater certainty, subsection (1) does not require persons who are in compliance with public health guidance on households and social circles to maintain a physical distance of at least two metres from each other while in a place of business or facility.

Meeting or event space

4. (1) The person responsible for a business or place that is open may only rent out meeting or event space if the total number of members of the public permitted to be in the business or place in its rentable meeting or event space at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event is not permitted to exceed,

- (a) 50 persons, if the meeting or event is indoors; or
- (b) 100 persons, if the meeting or event is outdoors.

(2) Subsection (1) does not apply to the rental of meeting or event space for a wedding, funeral, service, rite or ceremony that is authorized under section 3, 4 or 5 of Schedule 3.

(3) Subsection (1) does not apply to the rental of meeting or event space that is in compliance with a plan for the rental of meeting or event space approved by the Office of the Chief Medical Officer of Health.

In-person teaching and instruction

5. (1) Subject to subsection (2), the person responsible for a business or place that is open and that provides in-person teaching or instruction shall ensure that every instructional space complies with the following conditions:

1. The instructional space must be operated to enable students to maintain a physical distance of at least two metres from every other person in the instructional space, except where necessary for teaching and instruction that cannot be effectively provided if physical distancing is maintained.
2. The total number of students permitted to be in each instructional space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event cannot exceed,
 - i. 50 persons, if the instructional space is indoors, or
 - ii. 100 persons, if the instructional space is outdoors.

(2) If the teaching or instruction involves singing or the playing of brass or wind instruments,

- (a) every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier; and
 - (b) the exception in paragraph 1 of subsection (1) that allows persons to be closer than two metres where necessary for teaching and instruction does not apply.
- (3) Subsections (1) and (2) do not apply to,
- (a) a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health; or
 - (b) a school operated by,
 - (i) a band, a council of a band or the Crown in right of Canada,

- (ii) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada, or
- (iii) an entity that participates in the Anishinabek Education System.

Cleaning requirements

- 6.** (1) The person responsible for a business or place that is open shall ensure that,
- (a) any washrooms, locker rooms, change rooms, showers or similar amenities made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition; and
 - (b) any equipment that is rented to, provided to or provided for the use of members of the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.
- (2) For greater certainty, clause (1) (b) applies to computers, electronics and other machines or devices that members of the public are permitted to operate.

SCHEDULE 2 SPECIFIC RULES

Food and drink

Restaurants, bars etc.

- 1.** (1) Restaurants, bars, food trucks, concession stands and other food or drink establishments may open if they comply with the following conditions:
- 1. No buffet-style service may be provided.
 - 2. Patrons must be seated when eating or drinking at the establishment.
 - 3. The establishment must be configured so that patrons seated at different tables are separated by,
 - i. a distance of at least two metres, or
 - ii. plexiglass or some other impermeable barrier.
 - 4. No person shall dance, sing or perform music at the establishment except in accordance with subsection (2) or (3).
- (2) A person or group under contract with the establishment may dance, sing or perform music in compliance with the requirements set out in section 11.
- (3) Members of the public may sing or perform music at the establishment if,
- (a) they are separated from every other person, including from other performers, by plexiglass or some other impermeable barrier while singing or while performing on a brass or wind instrument;
 - (b) they maintain a physical distance of at least two metres from every other person while singing or performing music; and
 - (c) any equipment used by members of the public while singing or performing music is cleaned and disinfected between each use.
- (4) For greater certainty, a restaurant, bar, food truck, concession stand or other food or drink establishment that is in compliance with the conditions set out in subsection (1) may open in any business or place that is otherwise permitted to open under this Order.

Services

Public libraries

- 2.** Public libraries may open if circulating materials that are returned or accessed within the library are disinfected or quarantined for an appropriate period of time before they are recirculated.

Real estate open houses

- 3.** Real estate agencies may open if they ensure that the total number of members of the public permitted at any open house event they host or facilitate at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the open house event, and in any event is not permitted to exceed 50 persons.

Personal care services

- 4.** Personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios, may open if they comply with the following conditions:
- 1. Persons who provide personal care services in the business must wear appropriate personal protective equipment.

2. Patrons must wear face covering at all times while receiving personal care services, except while receiving services that tend to an area of their face that would be covered by a face covering.
3. Oxygen bars must be closed.

Food courts and fitting rooms

Food courts, etc.

5. A food court or other dining area that is not already described in section 1 may open if it is configured so that patrons seated at different tables are separated by,

- (a) a distance of at least two metres; or
- (b) plexiglass or some other impermeable barrier.

Fitting rooms

6. Fitting rooms in a business may open if patrons are not permitted to occupy adjacent fitting room stalls at any one time.

Training and education

Driving instruction

7. Businesses that provide driving instruction in a motor vehicle may open if they comply with the following conditions:
 1. Only one student may be in the motor vehicle.
 2. Only one driving instructor may be in the motor vehicle, unless the type of instruction requires more than one driving instructor to be present.
 3. Every person in the motor vehicle must wear face covering at all times.
 4. The motor vehicle must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Sports and fitness

Facilities for sports and recreational fitness activities

8. (1) Facilities for sports and recreational fitness activities, including gymnasiums, yoga and dance studios and other fitness facilities, may open if they comply with the following conditions:

1. Every person who engages in sports or a recreational fitness activity at the facility, other than a team sport, must maintain a physical distance of at least two metres from every other person at all times during the activity.
2. The total number of members of the public permitted to be at the facility in a class, organized program or organized activity at any one time must be limited to the number that can maintain a physical distance of at least two metres from other persons in the facility, and in any event cannot exceed,
 - i. 50 persons, if any of the classes, organized programs or organized activities taking place at the time are indoors, or
 - ii. 100 persons, if all of the classes, organized programs or organized activities taking place at the time are outdoors.
3. The total number of members of the public permitted to be at the facility in areas containing weights or exercise machines at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the facility, and in any event cannot exceed 50 persons.
4. The total number of spectators permitted to be at the facility at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the facility, and in any event cannot exceed,
 - i. 50 spectators, if the spectators will be indoors, or
 - ii. 100 spectators, if the spectators will be outdoors.
5. Team sports may only be practised or played within the facility if they do not allow for physical contact between players or if they have been modified to avoid physical contact between the players.
6. Organized team sports that are practised or played by players in a league may only be practised or played within the facility if the league either,
 - i. contains no more than 50 players and does not permit its teams to play against teams outside of the league, or
 - ii. divides its teams into groups of 50 or fewer players and does not permit teams in different groups to play against one another or against teams outside of the league.

7. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use or, where used in a game or practice, at the end of play, such as at the completion of a game or practice.
8. Activities must not be practised or played within the facility if they require the use of fixed structures that cannot be cleaned and disinfected between each use or, where used in a game or practice, at the end of play.

(2) Facilities for sports and recreational fitness activities may open to provide space for a day camp for children that is in compliance with subsection 9 (1).

(3) Paragraphs 1 to 3 and 5 to 8 of subsection (1) do not apply with respect to facilities for sports teams in one of the following leagues if they operate in accordance with a return to play plan approved by the Office of the Chief Medical Officer of Health:

1. Canadian Elite Basketball League.
2. Canadian Football League.
3. Major League Baseball.
4. Major League Soccer.
5. National Basketball Association.
6. National Hockey League.
7. National Lacrosse League.

Camps for children

9. (1) Day camps for children may open if they operate in a manner consistent with the safety guidelines for COVID-19 for summer day camps produced by the Office of the Chief Medical Officer of Health.

(2) Camps that provide supervised overnight accommodation for children are closed.

Entertainment

Cinemas

10. (1) Cinemas may open if the total number of members of the public permitted to be in the venue at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the venue, and in any event is not permitted to exceed,

- (a) 50 persons, if the cinema is indoors; or
- (b) 100 persons, if the cinema is outdoors.

(2) The capacity limits set out in subsection (1) do not apply to cinemas that operate in accordance with a plan for the operation of cinemas approved by the Office of the Chief Medical Officer of Health.

(3) Subsection (1) does not apply to drive-in cinemas.

Performing arts

11. (1) A business or place where concerts, artistic events, theatrical performances or other performances are rehearsed or performed may open if they comply with the following conditions:

1. The total number of spectators permitted to be in the venue in which the performance or rehearsal takes place at any one time must be no more than,
 - i. 50 spectators, if the concert, event or performance is indoors, or
 - ii. 100 spectators, if the concert, event or performance is outdoors.
2. Singers and players of brass or wind instruments must be separated from any spectators by plexiglass or some other impermeable barrier.
3. Every performer and other person who provides work for the business or place must maintain a physical distance of at least two metres from every other person, except,
 - i. if it is necessary for the performers to be closer to each other for the purposes of the performance or rehearsal,
 - ii. where necessary for the purposes of facilitating the purchase of admission, food or beverages, or
 - iii. where necessary for the purposes of health and safety.

(2) Subsection (1) does not apply to drive-in or drive-through concerts, artistic events, theatrical performances and other performances.

Drive-in or drive-through cinemas, performances, etc.

12. Drive-in cinemas and businesses or places that provide drive-in or drive-through concerts, artistic events, theatrical performances or other performances may open if they comply with the following conditions:

1. Each person in attendance at the drive-in cinema or the business or place, other than persons who perform work for the drive-in cinema or the business or place, must remain within a motor vehicle designed to be closed to the elements except where necessary,
 - i. to purchase admission, food or beverages,
 - ii. to access a washroom, or
 - iii. for the purposes of health and safety.
2. The driver of a motor vehicle at the drive-in cinema or the business or place must ensure that it is positioned at least two metres away from other motor vehicles.
3. Every performer or other person who performs work at the drive-in cinema or the business or place must remain at least two metres apart from motor vehicles and from every other person, except,
 - i. if it is necessary for the performers to be closer to each other for the purposes of the performance,
 - ii. where necessary for the purposes of facilitating the purchase of admission, food or beverages, or
 - iii. where necessary for the purposes of health and safety.
4. Food and beverages may only be sold to persons in attendance at the drive-in cinema or the business or place if,
 - i. the food or beverage is sold at a concession stand that requires patrons to stand at least two metres apart while waiting to be served and that requires patrons to immediately return to their motor vehicle after being served, or
 - ii. the food or beverage is delivered directly to the patron's motor vehicle.
5. No materials may be exchanged between persons in attendance at the drive-in cinema or the business or place, except,
 - i. materials exchanged between members of the same motor vehicle,
 - ii. materials exchanged between persons who perform work for the drive-in cinema or the business or place, and
 - iii. such materials as are necessary to facilitate the purchase of admission, food or beverages.

Water features

13. (1) Steam rooms, saunas and bathhouses are closed.

(2) For greater certainty, a pool, splash pad, spray pad, whirlpool, wading pool, or water slide that is in compliance with section 6 of Schedule 1 may open in any business or place that is otherwise permitted to open under this Order.

Casinos, bingo halls and gaming establishments

14. (1) Casinos, bingo halls and other gaming establishments may open if they comply with the following conditions:

1. The total number of members of the public permitted to be in the establishment at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed 50 persons.
2. Table games are prohibited.

(2) The capacity limits set out in subsection (1) do not apply to a casino, bingo hall or gaming establishment that operates in accordance with a plan for the operation of casinos, bingo halls or gaming establishments approved by the Office of the Chief Medical Officer of Health.

Racing venues

15. Horse racing tracks, car racing tracks and other similar venues may open if the total number of spectators permitted at the venue at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person at the venue, and in any event is not permitted to exceed,

- (a) 50 spectators, if the spectators will be indoors; or
- (b) 100 spectators, if the spectators will be outdoors.

Amusement parks and waterparks

16. Amusement parks and waterparks are closed.

Nightclubs

17. Nightclubs are closed, except for the purpose of serving food or beverages to patrons in accordance with section 1.

Museums, etc.

18. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions may open if any interactive exhibits, or exhibits that create a high risk of personal contact, that are open to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Tour and guide services

19. (1) Tour and guide services, including guided fishing and hunting trips, tastings and tours for wineries, breweries and distilleries, trail riding tours, walking tours, bicycle tours and motor vehicle tours, but not including boat tours, may open if they comply with the following conditions:

1. The tour must be operated to enable every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person, except where necessary,
 - i. to facilitate payment, or
 - ii. for the purposes of health and safety.
2. The number of members of the public on the tour must not exceed the number of persons that would permit compliance with paragraph 1 while on the tour, and in any event cannot exceed,
 - i. 50 persons, if they will be indoors during the tour, or
 - ii. 100 persons, if they will be outdoors during the tour.
3. If the tour includes access to any food or beverage production or manufacturing areas, every person on the tour, including any tour guides, must comply with,
 - i. any laws or policies that apply to the food or beverage production or manufacturing area, and
 - ii. any advice, recommendations or instructions of public health officials that apply to the food or beverage production or manufacturing area.
4. The tour or guide service must record the name and contact information of every patron and maintain the records for a period of at least one month.

(2) Boat tours in which the passengers are required to embark and disembark within the province of Ontario and that are not otherwise prohibited from opening by an order made by the Minister of Transport (Canada) under the *Canada Shipping Act, 2001* may open if they comply with the following conditions:

1. The tour must be operated to enable every person on the tour, including tour guides and tour boat crew, to maintain a physical distance of at least two metres from every other person, except where necessary,
 - i. to facilitate payment, or
 - ii. for the purposes of health and safety.
2. The number of members of the public on the tour boat must not exceed the number of persons that would permit compliance with paragraph 1 on the tour boat, and in any event cannot exceed,
 - i. 50 persons, if they will be indoors while on the tour boat, or
 - ii. 100 persons, if they will be outdoors while on the tour boat.
3. There must be sufficient space available to enable all persons to comply with paragraph 1 while on the tour boat and while embarking onto or disembarking from the tour boat.
4. The flow of persons embarking onto, disembarking from and moving about on the tour boat must be controlled so as to enable compliance with paragraph 1.
5. The tour boat must be equipped with enough handwashing stations or hand sanitizer dispensers to serve the needs of every person on the tour boat.
6. The boat tour service must record the name and contact information of every patron and maintain the records for a period of at least one month.

Campgrounds

20. Campgrounds may open if the person responsible for the campground ensures that every person using the campground is complying with any applicable restrictions on the size of social gatherings and organized public events.

SCHEDULE 3 ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS

Gatherings, Stage 3 areas

1. (1) Subject to sections 2 to 5, no person shall attend,

(a) an organized public event of more than,

- (i) 50 people if the event is held indoors, or
- (ii) 100 people if the event is held outdoors;

(b) a social gathering of more than,

- (i) 50 people if the gathering is held indoors, or
- (ii) 100 people if the gathering is held outdoors; or

(c) a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony of more than,

- (i) 50 people if the gathering is held indoors, or
- (ii) 100 people if the gathering is held outdoors.

(2) For the purposes of subsection (1), an indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

(3) A person attending an organized public event or social gathering shall comply with public health guidance on physical distancing.

(4) For greater certainty, subsections (1) to (3) apply with respect to an organized public event or social gathering even if it is held at a private dwelling.

Exceptions from organized public event requirements

2. The prohibition on attendance at an organized public event in clause 1 (1) (a) does not apply with respect to attendance at,

- (a) an event to which a capacity limit set out in Schedule 1 or 2 applies, if the event is held in accordance with that capacity limit;
- (b) a day camp for children that is in compliance with section 9 of Schedule 2; or
- (c) a drive-in cinema, or a business or place that provides drive-in or drive-through concerts, artistic events, theatrical performances and other performances, that is in compliance with section 12 of Schedule 2.

Indoor wedding, funeral or religious service, rite or ceremony

3. (1) This section applies with respect to gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony, if the gathering is held in a building or structure other than a private dwelling.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

- 1. The number of persons occupying any room in the building or structure while attending the gathering must not exceed 30 per cent of the capacity of the particular room.
- 2. All persons attending the gathering must comply with public health guidance on physical distancing.

Outdoor wedding, funeral or religious service, rite or ceremony

4. (1) This section applies with respect to outdoor gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

- 1. No more than 100 people may be in attendance.
- 2. All persons attending the gathering must comply with public health guidance on physical distancing.

Gathering in motor vehicles for religious service, rite or ceremony

5. (1) This section applies with respect to gatherings for the purposes of a religious service, rite or ceremony if the persons attending the gathering, other than those conducting the service, rite or ceremony, do so in a motor vehicle.

(2) No person shall attend a gathering to which this section applies unless the person follows all of the following precautions that apply to the person:

- 1. Each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements, except,
 - i. where necessary to use a washroom, or
 - ii. as may otherwise be necessary for the purposes of health and safety.

2. The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
3. A person who ordinarily uses a non-motorized vehicle because of their religious belief and who attends the gathering must remain within their non-motorized vehicle except where necessary to use a washroom or as may otherwise be required for health and safety, and paragraph 2 applies with necessary modifications.

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